

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER AVELLONE,

Plaintiff,

v.

KELLY RAE BRISTOL,

Defendant.

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Case No. CIV-21-1108-SLP

**PLAINTIFF’S UNOPPOSED MOTION
TO STAY DEADLINE TO RESPOND TO DEFENDANT’S
MOTION TO DISMISS AND REQUEST FOR JUDICIAL NOTICE**

Plaintiff Christopher Avellone (“Plaintiff”) hereby moves this Court for an order staying his deadline to respond to Defendant’s Motion to Dismiss (Dkt. No. 10) and Request for Judicial Notice in Support of Defendant’s Motion to Dismiss (Dkt. No. 11) until the Court has ruled on Plaintiff’s Motion to Remand and for Award of Costs and Attorney Fees, with Combined Brief in Support (Dkt. No. 13). In support of this Unopposed Motion, the Plaintiff states as follows:

1. The Plaintiff filed this action on October 13, 2021, in the District Court of Oklahoma County, State of Oklahoma, alleging state law claims against Defendant Kelly Rae Bristol (“Defendant”).

2. On November 23, 2021, the Defendant removed the state court action to this Court. Notice of Removal (Dkt. No. 1).

3. On December 10, 2021, the Defendant filed a Motion to Dismiss (Dkt. No. 10) and Request for Judicial Notice in Support of Defendant’s Motion to Dismiss (Dkt. No. 11) (collectively the “Defendant’s Pending Motions”).

4. The deadline for the Plaintiff to respond to the Defendant's Pending Motions is January 3, 2022.

5. On December 21, 2021, the Plaintiff filed a Motion to Remand and for Award of Costs and Attorney Fees, with Combined Brief in Support (Dkt. No. 13) ("Motion for Remand").

6. Pending the Court's decision on the Motion to Remand, the Plaintiff respectfully requests that the Court stay his deadline to respond to the Defendant's Pending Motions until further order of the Court.

7. Counsel for Plaintiff has conferred with counsel for Defendant, and the Defendant does not oppose the relief requested herein.

8. A proposed order has been submitted herewith.

WHEREFORE, the Plaintiff requests that the Court stay his deadline to respond to Defendant's Pending Motions until further order of this Court to be entered after the Court has ruled on the Motion to Remand.

Respectfully submitted,

s/ Eric D. Wade

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ATTORNEYS FOR PLAINTIFF,
CHRISTOPHER AVELLONE

CERTIFICATE OF DELIVERY

☒ I hereby certify that on December 27, 2021, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants, to:

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-and-

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Attorneys for Defendant

☐ I hereby certify that on _____ I served the attached document by United States Certified Mail, Return Receipt Requested on the following, who are not registered participants of the ECF System:

s/ Eric D. Wade
Eric D. Wade